

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JOSIAH GIBSON, on behalf of himself and
on all others similarly situated;**

Plaintiff,

vs.

**BURLINGTON CAPITAL PM GROUP, INC,
and BURLINGTON CAPITAL
PROPERTIES, LLC,**

Defendants.

8:24CV299

ORDER

This matter is before the Court following a telephone conference held with counsel for the parties on March 18, 2025, regarding written discovery disputes raised by both parties. The parties' agreements and Court's rulings were stated on the record during the call, and are contained within the audio file of the hearing. (Filing No. 60). The Court will summarize its rulings below.

As to Plaintiff's RFPs:

- Counsel have tentatively discussed a resolution to RFP Nos. 5&7 pending a Rule 30(b)(6) deposition and are moot at this time.
- The dispute regarding RFP No. 9 is not ripe, as counsel indicated they needed to further meet and confer on this request.
- RFP Nos. 1&2: Defendants shall produce the phone number, email or both for the roughly 157 potential class members on or before April 9, 2025.
- RFP No. 6: Defendants' position is well taken. Plaintiff can take the depositions of what appears to be two of his managers/supervisors; the parties can then revisit the issue of providing manager/supervisor identifications as to the other potential class members.

As to Defendant's RFPs:

- RFP Nos. 8&24: Plaintiff has agreed to supplement his responses to produce photographs and social media posts.

- RFP No. 21: Plaintiff shall produce credit card statements reflecting purchases made during the on-call time periods identified by Defendants on or before April 9, 2025.
- RFP No. 22: Plaintiff shall produce emails or text messages regarding or reflecting his activities during the on-call time. The parties shall meet and confer on or before April 9, 2025, to identify emails and phone numbers, and search terms to search for information that could arguably support or negate Plaintiff's claims that he was "marooned" at home during his on-call time. The parties shall equally share in this cost.
- RFP No. 25: Because Plaintiff's location data from his cell phone(s) during his on-call time is relevant to his claims and the defenses raised by Defendants, counsel shall meet and confer on or before April 9, 2025, to mutually agree upon a vendor to extract such location data from Plaintiff's cell phone(s). The parties shall share equally in this cost.

The deadline for any party to object to the undersigned magistrate judge's rulings under NECivR 72.2 shall be 14-days from entry of this Order.

IT IS SO ORDERED.

Dated this 20th day of March, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge